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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 10-03561 WHA

**JOINT FILING REGARDING
AGREED STATEMENT
REGARDING COPYRIGHTABILITY
(ECF NO. 1788)**

Dept. Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 In its May 3 Order entitled “Further Mediation With Judge Kim,” ECF No. 1788, the
2 Court ordered the parties to meet and confer with Magistrate Judge Kim regarding an agreed
3 statement for the jury regarding what is protected by copyright and what is not, and regarding the
4 additional issues addressed in the Order.

5 The parties met and conferred with Judge Kim starting at 10:00 a.m. on Saturday, May 7,
6 2016, and agreed to the following statement:

7 AGREED STATEMENT

8 The Java platform is a software application platform that is used to write and to run
9 programs in the Java programming language. The Java programming language is free and
10 available to use. The Java platform includes, among other things, the Java Virtual Machine and
11 the Java API packages. “API” stands for “Application Programming Interface.”

12 What is at issue in this case are the Java API packages, which are sets of prewritten
13 computer programs used to perform common computer functions without a programmer needing
14 to write code from scratch. These prewritten computer programs assist developers in writing
15 applications. These prewritten programs are organized into packages, classes, and methods. An
16 API package is a collection of classes. Each class contains methods and other elements.

17 The packages, classes and methods are defined by declaring code. The declaring code is
18 the line or lines of source code that introduce, name, and specify the package, class, or method.
19 The declaring code allows programmers to understand and make use of the prewritten programs
20 in the API packages to write their own programs.

21 The declaring code for the packages, classes and methods reflects the structure, sequence,
22 and organization (or “SSO”) for the Java API packages. The SSO specifies the relationships
23 between and among the elements of the Java API packages, and also organizes the classes,
24 methods and other elements in the package.

25 Each individual method performs a specific function. The declaring code for a method is
26 sometimes referred to as the “method declaration,” “header” or “signature.” The declaring code
27 for a method tells the programmer the information the method needs (the inputs) to perform the
28 desired function.

1 Each method also contains implementing code. The implementing code provides step by-
2 step instructions that tell the computer how to perform the function specified by the declaring
3 code.

4 The declaring code and the SSO of the 37 Java API packages at issue are protected by
5 copyrights owned by Oracle. The copyright protection does not extend to the idea of organizing
6 functions into packages, classes, and methods, but the copyright protection does cover the SSO as
7 expressed in the 37 Java API packages.

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9 Dated: May 7, 2016

ORRICK, HERRINGTON &
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11 By: /s/ Vickie Feeman

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14 Attorneys for Plaintiff
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16 Dated: May 7, 2016

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18 By: /s/ Bruce W. Baber

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20 Attorneys for Defendant
GOOGLE INC.

ATTESTATION OF CONCURRENCE

I, Bruce W. Baber, the ECF user whose ID and password are being used to file this Joint Statement Regarding Agreed Revisions To Modified Proposed Jury Instructions On Fair Use (ECF No. 1688), hereby attest that Vickie Feeman, one of the attorneys for plaintiff Oracle America, Inc., concurs in this filing.

Dated: May 7, 2016

By: /s/ Bruce W. Baber
BRUCE W. BABER